

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	Docket No. 1:09 Cr-0054-PB
)	
JERRY MARINO,)	
Defendant)	
)	
)	

**ASSENTED-TO MOTION TO CONTINUE
APRIL 1, 2009 WAIVER AND PLEA HEARING**

NOW COMES the Defendant, Jerry Marino, by and through his attorney, Patrick E. Donovan, Esq., and respectfully submits this motion to continue the waiver and plea hearing currently scheduled for April 1, 2009. In support of this Motion, Accused submits the following:

1. The Government has filed a single count of mail fraud against the Accused in the above referenced matter.

2. This Court has scheduled a hearing for April 1, 2009 during which it is anticipated that the Accused will waive the indictment requirement and enter a plea of guilty to the pending charge.

3. The Accused is required to travel by car from his residence in Florida to this Court to attend the hearing and enter the anticipated waiver and plea.

4. Upon information and belief, the Accused's wife is required to undergo an unanticipated medical procedure during the week of the hearing. Mrs. Marino's medical condition and her convalescence will require that the Accused attend to the needs of his wife and their young daughter for a short period after April 1st.

5. As a result, the Accused's family requires his presence in Florida for approximately thirty (30) days, thereby requiring a short continuance of the April 1st hearing.

6. Undersigned counsel has discussed this motion and the requested relief with Assistant United States Attorney Robert M. Kinsella, who assents to the motion.

WHEREFORE, the Accused requests that this Honorable Court:

- A. Grant this motion;
- B. Reschedule the waiver and plea hearing to a date after May 1, 2009; and
- C. Grant such further relief as may be deemed just and equitable.

Respectfully submitted,

Jerry V. Marino,

By His Attorney,

Law Office of Patrick E. Donovan, PLLC,

By: /s/ Patrick E. Donovan, Esquire
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CERTIFICATE OF SERVICE

I, Patrick E. Donovan, Esquire, hereby certify that a duplicate of this Appearance was, this 27th day of March, 2009, electronically served upon Robert M. Kinsella, Assistant U.S. Attorney, Department of Justice, Concord, New Hampshire.

/s/ Patrick E. Donovan, Esquire
Patrick E. Donovan